




MEMORANDUM

Agenda Item No. 6(A)

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Date: December 16, 2003

Subject: Proposed Ordinance
Pertaining to Direct
Applications and
Appeals to the County
Commission

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached proposed ordinance pertaining to direct applications and appeals to the County Commission.

BACKGROUND

This proposed ordinance would allow certain public hearing applications for property located in unincorporated Miami-Dade County which would normally be heard by Community Zoning Appeal Boards (CZAB) to be heard directly by the County Commission. This would occur when, as a result of incorporations or annexations, there are an insufficient number of CZAB members in office to act on zoning applications. If prior to the advertised notice of the hearing before the Board of County Commissioners a sufficient number of members of the affected CZAB have been appointed or elected or the absorption of the affected CZAB into a different CZAB has occurred, the application shall be heard by the applicable CZAB, after notice pursuant to Section 33-310.

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Attachment




Assistant County Manager



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** December 16, 2003

FROM: George M. Burgess, County Manager  **SUBJECT:** Proposed Ordinance Pertaining to Direct Applications and Appeals to the County Commission

This proposed ordinance pertaining to direct applications and appeals to the County Commission will have no fiscal impact on Miami-Dade County.

Fiscal/00204



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 16, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6 (A)
12-16-03

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR APPLICATIONS TO BE HEARD BY THE COUNTY COMMISSION WHERE, AS A RESULT OF ANNEXATION OR INCORPORATION; THE COMMUNITY ZONING APPEALS BOARD LACKS ENOUGH MEMBERS IN OFFICE TO ACT ON APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-314. Direct applications and appeals to the County Commission.

(A) The County Commission shall have jurisdiction to directly hear the following applications:

* * *

>>(3) When as a result of municipal incorporation or annexation, a Community Zoning Appeals Board (CZAB) does not have enough members in office to hear and decide zoning applications, the Board of County Commissioners shall hear and decide all zoning applications in the remaining jurisdiction of the CZAB. Zoning actions advertised for hearing before the Board of County Commissioners shall be heard and decided by the board, and neither the subsequent appointment or election of additional CZAB members, nor the reconfiguration of the

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

affected CZAB, shall divest the board of jurisdiction to hear such advertised applications. If prior to the mailing of the final notice of hearing pursuant to Section 33-310, new members of the affected CZAB have been appointed or elected, or the affected CZAB has been reconfigured, such that the CZAB has enough members to act, applications within the CZAB's jurisdiction shall be heard and decided by that CZAB upon notice pursuant to Section 33-310.<<

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall be reviewed by the Board of County Commissioners one year from the date of its adoption.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Collier

